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Situation of human rights in Myanmar

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Rajsoomer Lallah, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, in accordance with Commission resolution 1999/17 of 23 April 1999 and Economic and Social Council decision 1999/231 of 27 July 1999.

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Annex

Interim report on the situation of human rights in Myanmar prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Economic and Social Council decision 1999/231 of 27 July 1999

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I. Introduction

1. The present interim report is submitted pursuant to paragraph 8 (a) of Commission on Human Rights resolution 1999/17 of 23 April 1999.

2. The Special Rapporteur wishes to recall that, since his appointment in June 1996, he has yet to be allowed by the Government of Myanmar to see the situation on the ground, despite the repeated requests of the General Assembly and the Commission on Human Rights that he have direct access to Myanmar. In its latest resolution on the human rights situation in Myanmar, the Commission on Human Rights urged the Government of Myanmar to cooperate fully, and without further delay, with the Special Rapporteur, to allow him, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, and thus to enable him fully to discharge his mandate. The Special Rapporteur regrets that the Government of Myanmar is still unwilling to establish a constructive dialogue with the human rights mechanisms established by the United Nations for the effective promotion and protection of human rights.

3. The present interim report is based upon information received by the Special Rapporteur up to 30 August 1999 and is to be read in conjunction with the Special Rapporteur's last report to the Commission on Human Rights (E/CN.4/1999/35).

II. The exercise of civil and political rights

A. Measures adversely affecting democratic governance

4. Many reports indicate that political parties in opposition continue to be subject to intense and constant monitoring by the regime, aimed at restricting their activities and prohibiting members of political parties from leaving their localities. Existing orders and directives from the State Peace and Development Council (SPDC) prohibit members of political parties from leaving their localities or even their houses without prior permission from the authorities; those violating the orders risk arrest and interrogation by the police or military intelligence agents. The aim of these directives is said to be to exert pressure and to intimidate. They have in fact led the members of the National League for Democracy (NLD) to resign. For instance, it was reported that in Kachin State, membership in NLD has dwindled from over 4,000 to about 30. A number of NLD working committees throughout the country were dismantled by the authorities and their offices forcibly shut down.

5. As a result of widespread rumours of a planned mass uprising on 9 September 1999, also known as 9-9-9-9, it was reported that more than 100 persons have been arrested in the past three months in Yangon and others in the provinces.

6. On 9 September 1999, the regime is reported to have obstructed a meeting organized by NLD in Yangon to mark the anniversary of the formation by the opposition of a committee to represent the persons elected in the May 1990 general elections. The streets leading to the party headquarters were reported to have been blocked by police, who allowed only party members through. Journalists and the public were barred. Other measures to disrupt the meeting included preventing people from outside Yangon from attending, and detaining non-party members involved in the preparations for the meeting.

7. Between 19 and 24 July 1999, in Bago, central Myanmar, a group of 19 persons were reportedly arrested by State authorities, allegedly in connection with the planning of a march on 19 July commemorating the fifty-second anniversary of the assassination of General Aung San. From 16 to 18 July, pamphlets had reportedly been distributed and walls spray-painted to announce the march which was planned to demonstrate support for NLD, the lowering of food prices and a revision of the salaries of civil servants. A three-year-old child, Thaint Wunna Khin, daughter of activist Kyaw Wunna, was with her mother, one of the group of 19, when she was arrested. On 30 July, Thaint Wunna Khin was released; however, her mother, Ma Khin Khin Leh, and 17 other prisoners remain in detention, 6 of them members of Kyaw Wunna's family.

8. On 28 July 1999, the Special Rapporteur on the question of torture of the Commission on Human Rights and the Commission's Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent a joint communication to the Government of Myanmar on behalf of the members of the group, namely, Ma Khin Khin Leh (age 33) and her daughter, Aye Swe (age 55), Daw Tin Tin (age 50), Kyaw Kyaw Oo (age 33), Zaw Myint (age 49), Daw Tin Tin (age 47), Ko Zaw Zaw Latt (age 20), Ba Chit (age 48), Ye Tint (age 45), Win Myint (age 45), Dr. Shwe Bo (age 45), Ma Thida Htway (age 20), Ko Lwin Moe Myint (age 27), Ko Myint Oo (age 30), Ko Ah Thay Lay (age 21), Ko Hla Win (age 23) and two unnamed female physicians in their mid-forties, expressing fears for the safety of the detainees during their interrogation at various detention centres by a local Military Intelligence branch

(MI3), including concern that they would be exposed to the risk of torture and other forms of ill treatment.

9. Regarding the above-mentioned case, it has been noted that, while political dissidents appear to be the main targets, in order to intimidate and eliminate all opposition activities, their families are targeted as well. Military Intelligence (MI) reportedly arrested his wife and daughter because they could not find Kyaw Wunna.

10. In a governmental information sheet dated 29 July 1999, the authorities categorically rejected the allegation that a three-year-old child had been detained. The sheet stated that people had been called in for questioning in Bago because pamphlets printed by an armed terrorist group calling for civil unrest on 9-9-9-9 had been found hidden at Kyaw Wunna's house and some other places on 17 July; it was only because of their activities, connection and involvement with the outlawed armed terrorist group that the people involved had been called in for questioning.

11. The Special Rapporteur notes that no information has so far been given as to whether the individuals concerned have been formally charged with a criminal offence, or whether members of their families or legal representatives have been granted access to them.

12. It was also reported that on 2 August 1999, Kyaw Aung (age 23, trader), Kyaw Min Htun (age 20, student), Pyo Wai (age 19, student) and Maung Saw (age 18, student) were arrested at their home in Bago by military intelligence and are currently being detained at the MI3 interrogation centre in Bago. It was reported that these arrests were part of actions taken by the regime against a series of small demonstrations and other protests in Bago, reflecting widespread discontent at the country's political situation. As a result of the activities of their children, the fathers of two of the above-mentioned individuals are said to have been dismissed from their jobs. The two families are also said to be in danger of losing their homes, which are part of a housing complex for civil servants.

13. On 16 August 1999, the Working Group on Arbitrary Detention of the Commission on Human Rights sent a communication to the Government of Myanmar on behalf of the above individuals. The Working Group is still waiting for a reply.

14. Nine military officers as well as two rank-and-file soldiers were reportedly arrested on 27 August 1999 in Papun township, Karen State, for allegedly circulating pro-democracy pamphlets, posters and stickers and trying to organize fellow military personnel to participate in the pro-democracy movement led by NLD. They are reportedly being detained and interrogated by military intelligence. The names of those arrested, as received by the Special Rapporteur, are of the following individuals: Lieutenant Kyaw Thura; Lieutenant Maung Aung; Lieutenant Aung Htay Lwin; Lieutenant Okkar Myint; Lieutenant Myint Zaw; Lieutenant Kyaw Zaya; Lieutenant Than Win; Second Corporal Sein Thaung; and Second Corporal Myint Kyu.

15. The Special Rapporteur has also received information about several students arrested in the autumn of last year for their participation in demonstrations to recover their civil and political rights. As the Special Rapporteur had occasion to point out, numerous executive orders criminalize many aspects of normal civilian conduct, prescribe grossly disproportionate penalties and authorize arrest and detention without judicial supervision or review. This inevitably leads to the conclusion that a significant number of all arrests and detentions are arbitrary when measured by international standards. Below are two examples of the violation of the right of students, whose names were given to the Special Rapporteur, to protection from arbitrary arrest and detention, to a fair trial and to protection from ill treatment and disproportionate punishment.

16. Thet Win Aung attended Basic Education High School No. 5, Tamwe township, where his family lives. He was dismissed from school in 1991 for his so-called political activities and in September of that year was detained for nine months during which time he was reportedly badly tortured. Following student protests between June and September 1998, when students staged small demonstrations to protest against the poor quality of education and the human rights situation, he was arrested and reportedly sentenced to 52 years' imprisonment. It was further reported that the sentence was subsequently increased by another seven years.

17. Reports indicate that the current whereabouts of Thet Win Aung are unknown. According to reports received, Thet Win Aung was initially detained in Insein prison in Yangon, in solitary confinement. However, in April and May 1999 the military authorities reportedly transferred hundreds of political prisoners from Insein prison to remote prisons elsewhere in the country. Thet Win Aung was reportedly moved, as part of this operation, to Myitkyina prison. There is serious concern about his current state of health in custody, given the reports that he had already been tortured during his earlier term of imprisonment in 1991.

18. Myo Min Zaw was a second-year English student. He was arrested, with about 300 other students, during the demonstrations of June-September 1998. Myo Min Zaw was arrested in the street on 14 September 1998 and accused of agitating unrest. He was reportedly sentenced to 38 years'

imprisonment, subsequently increased to 52 years. Myo Min Zaw is now being held in Pathein/Bassein prison, having been transferred there in April/May 1999 along with other prisoners.

B. Prison conditions

19. The Special Rapporteur has noted with satisfaction that the International Committee of the Red Cross (ICRC) has reached a verbal agreement with SPDC that allows staff to have access to all places of detention in Myanmar. The visits are to take place in accordance with ICRC's standard procedures. Accordingly, on 6 May 1999, ICRC began visiting detainees and prisoners held at Insein prison.

20. On 3 September 1999, ICRC announced that for the first time in Myanmar ICRC teams had visited more than 18,000 detainees and registered over 600 security detainees. Since the ICRC visits began in May, delegates had been to nine places of detention, including Insein prison and the central prison in Mandalay, and to three places of administrative internment. According to the same statement, each visit had been conducted according to the ICRC's standard working procedures and included an initial discussion with the authorities administering the facility, a complete inspection of the premises, access to all the detainees and private interviews with security detainees, who were given the opportunity to write Red Cross messages to their families. The delegates had a meeting after each visit with the authorities in charge, putting forward recommendations regarding the situation they had observed. Confidential written reports were then handed to the relevant Myanmar authorities. ICRC and the country's authorities have agreed that delegates would be able to return on a regular basis to all the places visited. The programme will gradually be extended to all detention facilities in Myanmar.

III. Forced labour

21. In his last report to the General Assembly (A/53/364, annex), the Special Rapporteur referred in detail to the work of the Commission of Inquiry established by the International Labour Organization (ILO) to examine complaints lodged by the International Confederation of Free Trade Unions concerning the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29).

22. According to the report issued by the Commission of Inquiry on 20 August 1998, the obligation to suppress the use of forced or compulsory labour was violated in Myanmar in national law, as well as in actual practice, in a widespread and systematic manner, with total disregard for the human dignity, safety and health and basic needs of the people.

23. In its conclusions on the substance of the case, the Commission stated that there was abundant evidence of the pervasive use of forced labour, imposed on the civilian population throughout Myanmar by the authorities and the military, for portering; the construction, maintenance and servicing of military camps; the construction and maintenance of roads, railways and bridges; other infrastructure work; other work in support of the military; and work in agriculture, logging and other projects undertaken by the authorities or the military, sometimes for the profit of private individuals.

24. At its 274th Session, held in March 1999, the members of the Governing Body of the International Labour Office called upon the Government of Myanmar to make all the necessary changes in the laws to bring them into compliance with the Convention by 1 May 1999. It also requested the Director-General of ILO to submit a report by 21 May 1999 concerning the measures that the Government had taken to comply with the recommendations of the Commission of Inquiry.

25. On 21 May 1999, the Director-General of ILO submitted his report. It contained new documentation substantiating the conclusions of the Commission of Inquiry that a variety of forms of forced labour were prevalent throughout the country. It provided further evidence of the continued use of forced labour in virtually every ethnic State of the country as part of the campaign to repress ethnic minorities. It also contained evidence of the continued use of forced labour in the Burman areas. The Director-General concluded that there was no indication that the recommendations of the Commission of Inquiry had been implemented. The Village Act and the Towns Act had not been amended; the practice of forced and compulsory labour continued to be widespread; and no action appeared to have been taken under section 374 of the Penal Code to punish those exacting forced labour.

26. At the 87th Session of the International Labour Conference, held in June 1999, the application by Myanmar of the Forced Labour Convention, 1930 (No. 29) was discussed in the Conference Committee on the Application of Standards. The Committee noted the written and oral information supplied by the Government and the discussion that had followed. It noted in particular the Government's position that the findings of the Commission of Inquiry and the ILO Committee of Experts for the Application of Conventions and Recommendations had no basis, and that

the report of the Director-General of 21 May 1999 was based on false and misleading information. The Committee also noted the issuance of order No. 1/99 of 14 May 1999, directing that the power to requisition forced labour under the Towns Act, 1907, and the Village Act, 1907, not be exercised.

27. The Committee recalled the long history of the case and the series of actions taken by the ILO supervisory bodies, including the recommendations of the Commission of Inquiry. It considered that the explanations provided by the Government did not respond to the detailed and well-substantiated findings and recommendations of the Commission of Inquiry and the Committee of Experts. It noted with deep concern the findings of the Commission of Inquiry that there was convincing information available that the imposition of forced and compulsory labour on a very large scale still occurred in Myanmar. The Committee regretted that the Government had not allowed the Commission of Inquiry to visit the country to verify the situation for itself. That could also have been the occasion for the Government to present its own position before the Commission in a very objective and impartial manner. It regretted that the Government had shown no inclination to cooperate with ILO in this respect.

28. The Selection Committee submitted an "urgent resolution" on Myanmar to the Plenary of the Conference. In the resolution on the widespread use of forced labour in Myanmar, the International Labour Conference deeply deplored that:

> "(a) The Government has failed to take the necessary steps to bring the relevant legislative texts, in particular the Village Act and Towns Act, into line with the Forced Labour Convention, 1930 (No. 29), by 1 May 1999, as recommended by the Commission of Inquiry;
>
> "(b) At the end of the twentieth century, the State Peace and Development Council (SPDC) has continued to inflict the practice of forced labour — nothing but a contemporary form of slavery — on the people of Myanmar, despite repeated calls from ILO and from the wider international community for the past 30 years;
>
> "(c) There is no credible evidence that those exacting forced labour in Myanmar have been punished under section 374 of the Penal Code;"

and resolved:

> "(a) That the attitude and behaviour of the Government of Myanmar are grossly incompatible with the conditions and principles governing membership of the Organization;
>
> "(b) That the Government of Myanmar should cease to benefit from any technical cooperation or assistance from ILO, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry, until such time as it has implemented the said recommendations;
>
> "(c) That the Government of Myanmar should henceforth not receive any invitation to attend meetings, symposia and seminars organized by ILO, except such meetings that have the sole purpose of securing immediate and full compliance with the said recommendations, until such time as it has implemented the recommendations of the Commission of Inquiry."

29. The Special Rapporteur fully endorses the substantiated conclusions and recommendations of the Commission of Inquiry, as well as the observations made in the Director-General's report. He also fully supports the recommendations contained in the resolution adopted by the International Conference.

30. The Special Rapporteur notes that the practice of unpaid and forced labour in Myanmar has been documented for over a decade. Reports received in 1999 include the construction of the temple in Kunhing using forced labourers, among whom were children from 8 to 15 years of age, who accounted for about 10 per cent of the workforce at any one time. Furthermore, there have been persistent complaints of the use of forced portering for the military, the porters being held for days, often without nourishment and often beaten if they are unable to keep up with the military column. They are forced to carry heavy loads of equipment and food across difficult terrain without pay. Reported cases include a 23-year-old woman from Murngnai who in January 1999 was made to carry out portering duties four times, while still nursing her baby. She was beaten during her portering duty. The woman finally fled to Thailand. Another example involved a 33-year-old farmer from Murngnai township who in February 1999 was part of a group made to carry chickens and dried meat for Military Unit 54 from Murngtorng. There reportedly were 40-50 porters, all belonging to the Shan ethnic minority; 5-7 were women and about 10 were children from 12 to 15 years of age. The porters slept on the ground, tied up with a yoke. The women, however, were kept separate and might have been harmed, as the farmer heard them screaming. The porters were reportedly neither fed nor paid by the soldiers. Upon

reaching the villages, the headman was asked to feed the porters. The farmer further reported being beaten with a rifle butt on the upper arm, shoulders and neck.

IV. Situation in the ethnic minority States

31. In his last report to the Commission on Human Rights, the Special Rapporteur extensively addressed the situation in the ethnic minority States. His concerns and conclusions unfortunately remain valid.

32. The Special Rapporteur is deeply concerned at the ongoing generalized human rights violations committed against the ethnic groups and other minorities in the eastern part of Myanmar, particularly Shan and Karen States. The violations have been thoroughly documented by human rights organizations and newly arrived refugees in Thailand describing the same stories of widespread human rights violations committed by the military, including summary executions, rape, torture, ill treatment during forced labour, portering, forcible relocation of villages and dispossession of land and other property.

33. According to information received by the Special Rapporteur, Saw Sing, from Kengkham village, Kunhing township, had been forcibly relocated to Kunhing town in 1996. In January 1999, he received permission from local authorities to return to his village to collect his cattle. He spent the night in Kengham where he was caught and shot dead the following day by troops from Unit 513 based in Loilem. Further reported cases include killings in Papun district in early 1999 by forces of SPDC and the Democratic Kayin Buddhist Army (DKBA). Saw Pha Blaw, a 16-year-old boy and Naw Htoo Paw, an 18-year-old woman, both Seventh Day Adventists, were reportedly shot dead when troops opened fire on a group of students after the troops had entered the village demanding 20 porters.

34. The Special Rapporteur received information about at least 29 Karen villagers, including a baby and two children, age 2 and age 8, who were allegedly slaughtered recently by Myanmar troops. It was further reported that on 26 July 1999, a column from Infantry Battalion 101, commanded by Lieutenant Colonel Soe Win, entered Kawei and Hpway Plaw villages 11 miles north of Taninthayi town, Mergui district, Tenasserim division. The next day, the soldiers reportedly massacred at least 22 villagers. Some villagers are reportedly still missing. The victims were reportedly beaten to death or stabbed; others had their arms and legs broken first and were killed later while still others were placed inside empty rice sacks and pounded with a rice husker until they died. A 19-year-old woman, Naw Nall Naw, was allegedly gang-raped by the soldiers before she was killed.

35. It has also been reported that soldiers looted whatever they found useful and destroyed the rest of the villagers' property completely. More than 200 cattle were taken away by the troops to the army camp at Ta Hpo Hta village, which also serves as a relocation site. Many other villagers from the area have fled and about 137 people are reported to have reached a safer location. An estimated 400 villagers were desperately trying to reach safety and have been pursued by Myanmar soldiers from Infantry Battalions 101 and 103.

36. The Special Rapporteur has also received information that, on 31 July 1999, a group of 43 soldiers led by company commander Mo Kyaw and his assistant, Ka Htay, from Fourth Company, Infantry Battalion 101, went to Ta Hpo Hkee, a village near the Kawei and Hpway Plaw massacre sites, where they captured a group of seven Karen civilians, including a nine-year-old girl and a pregnant woman, and killed them. Both single women and the nine-year-old girl were reported to have been gang-raped by the soldiers before they were slaughtered. The pregnant woman was killed by a shot fired at the abdominal region. Earlier, on 24 July, Myanmar soldiers from Infantry Battalion 101 had burnt and destroyed the villagers' property, including food stores and crops, at Ta Hpo Kee village.

37. The Special Rapporteur continues to receive reports indicating that there is a constant flow of new refugees into Thailand. It is reported that thousands of persons have arrived since the last visit of the Special Rapporteur to the region in December 1998. The rate of new arrivals in Maela, for example, is still about 60 families (300 people) per month. However, there are still, according to many reports, a large number of internally displaced persons — over 500,000 — inside Myanmar who are living in abject conditions in the jungle and at relocation sites, with little food and subject to exposure to all sorts of diseases.

V. United Nations programmes in Myanmar

38. Bearing in mind the recommendation made in paragraph 82 of his report to the Commission on Human Rights (E/CN.4/1999/35) and paragraphs 7 (a) and 8 (e) of Commission resolution 1999/17, the Special Rapporteur has sought full information from a number of agencies of the United Nations system regarding their ongoing programmes

in Myanmar. The following paragraphs indicate the substance of the information provided to the Special Rapporteur by these agencies.

Office of the United Nations High Commissioner for Refugees

39. Since 1994, the Office of the United Nations High Commissioner for Refugees (UNHCR) has been operational in northern Rakhine State, around the areas of Maungdaw, Rathedaung and Buthidaung. UNHCR's activities are focused on assisting refugee repatriates from Bangladesh in reintegrating into their villages of origin and on efforts to create conditions that would stabilize the local Muslim population and enhance possibilities for their self-sufficiency.

40. Between 1994 and 1997, some 230,000 Muslim refugees from Myanmar in Bangladesh returned to northern Rakhine State in Myanmar. The repatriation process was suspended in August 1997 and resumed in November 1998. However, only some 300 persons have returned since then owing to various procedural difficulties. A residual caseload of some 22,000 refugees remain in two camps in Bangladesh.

41. The objective of UNHCR's operation in Myanmar is to facilitate the reintegration of returnees and stabilize the Muslim population (about 800,000) through community-based assistance and infrastructure support in areas such as improvements to roads, water supplies, sanitation, health-care and educational facilities. Income-generation and skills training activities are also undertaken. In 1999, UNHCR has placed particular emphasis on promoting food security for extremely vulnerable families through the introduction of high-yield seeds and double cropping.

42. UNHCR works in cooperation with the World Food Programme (WFP), the United Nations Office for Project Services (UNOPS), the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Children's Fund (UNICEF). In addition, five non-governmental organization partners assist in the implementation of programme activities.

43. UNHCR also actively supports the participation of women in its assistance activities in order to increase their self-confidence and strengthen peer support mechanisms. These efforts have been articulated and implemented in activities such as the UNHCR/Magsaysay Centres for Women, the Women's Literacy Training Programme, the provision of food supplements for female pupils, and training and income-generating activities for female heads of household. Similarly, UNHCR caters for special needs of children and adolescents by improving their access to the education system through child and adolescent literacy training programmes. UNHCR also works closely with UNICEF in the promotion of children's rights in Myanmar.

World Food Programme

44. The operational involvement of the World Food Programme (WFP) in Myanmar commenced in May 1994 following the launching of a joint UNHCR/WFP appeal to assist the resettlement and reintegration process of returnees who had fled to Bangladesh in 1991-1992. Additional support is also being provided towards improving the economic conditions in the remote villages of north Rakhine State in order to reduce the chances of a future exodus to Bangladesh.

45. Since its initial involvement, WFP has provided food assistance to about 175,000 returnees. In addition, some 30,000 annually benefit from food-for-work programmes (road construction, water harvesting, school feeding and so forth) while about 10,000 benefit from WFP's relief assistance, specifically targeted at vulnerable households.

United Nations International Drug Control Programme

46. Myanmar is one of the largest opium and heroin producers in the world. The production of amphetamine-type stimulants has increased dramatically in recent years, and the country has also been struck by widespread drug abuse in both rural and urban areas. United Nations International Drug Control Programme (UNDCP) programmes are designed to address these problems through a balanced approach, which was recognized as being required to overcome the drug problem by the General Assembly at its twentieth special session on the world drug problem held in June 1998. The approach, balanced between demand and supply reduction, is effectively reflected in the UNDCP Country Programme and Subregional Action Plan for South-East Asia which includes Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam.

47. In the field of demand reduction, UNDCP is working in partnership with international governmental organizations and local communities. Ongoing UNDCP-funded projects in this sector demonstrate community-based drug treatment and rehabilitation models (Kachin and northern Shan States)

and aim at reducing the prevalence of injecting among drug users (Kachin State).

48. The most significant UNDCP project in Myanmar is in the field of supply reduction. The Drug Control and Development Project in the Wa region of the Shan States is a five-year alternative development project with a budget of US$ 15.5 million. The project features development activities and monitoring of opium poppy cultivation. Development activities include community-based interventions on public health, education, infrastructure (access roads, irrigation, water supply, electrification), resource management, alternative livelihood (income-generation, livestock and agriculture, agroforestry).

49. A constraint in Myanmar is that most opium-producing areas have not historically been under government administration. Since 1989, ceasefire agreements with the ethnic groups that control these areas have brought more stability, and the local authorities have agreed progressively to phase out opium poppy cultivation. It is in this improved context that the Wa alternative development project is being implemented at the grass-roots level with the opium-producing communities, in coordination with the Government of Myanmar and the local ethnic authorities.

VI. Conclusions and recommendations

50. The Special Rapporteur welcomes the resumption of its valuable work by ICRC and the cooperation of the Government in this regard. It is to be hoped that this cooperation will continue and be extended to all prisons and other places of detention throughout the country. The cooperation of the Government is indicative of its recognition of the fundamental norms, namely, that persons who are deprived of their liberty have a right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment and must be treated with humanity and respect for their inherent human dignity, as proclaimed in article 5 of the Universal Declaration of Human Rights and further explicitly described in articles 7 and 10 of the International Covenant on Civil and Political Rights.

51. The efforts of the agencies of the United Nations system conducting operational activities in Myanmar can indeed prove most valuable in the provision of humanitarian assistance. These efforts should be intensified, should focus on programmes at the grass-roots level and should be developed from the perspective of those who most need their basic human rights protected, such as the internally displaced, women and children and other vulnerable groups. These programmes should focus also on such problem sectors as health and education. There is a need, however, for the maintenance of systematic consultation and coordination among the agencies to ensure that assistance activities focus on humanitarian assistance and basic human rights protection and promotion and that the resolutions adopted by the General Assembly and the Commission on Human Rights are taken fully into account.

52. Except for the developments highlighted in the above two paragraphs, there has been no progress in the situation of human rights in Myanmar. If anything, the situation is worsening. Repression of civil and political rights continues and intensifies whenever there is any form of public protest or any form of public political activity. Repressive laws are still used to prohibit and punish any exercise of the basic rights of freedom of thought, expression, assembly and association, in particular in connection with the exercise of legitimate political rights. This regime of repression puts the right to life, liberty and physical integrity — when it is not simply violated — permanently at risk. The rule of law cannot be said to exist and function, as the judicial system is subject to a military regime and serves only as handmaiden to a policy of repression.

53. No effective measures have been taken to restrain forced labour amounting to no less than a contemporary form of slavery, in spite of freely assumed international obligations; and the practice still continues in the name of tradition, or else of economic development.

54. In the ethnic areas, the policy of establishing absolute political and administrative control brings out the worst in the military, and results in killings, brutality, rape and other human rights violations which do not spare the old, women, children or the weak.

55. For all these reasons, the Special Rapporteur must unfortunately renew the recommendations he made in his last report to the General Assembly.